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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/473,740

12/28/1999

HONGJIANG SONG

INTL-0327-US

1399

7590

06/16/2004

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EXAMINER

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ART UNIT

PAPER NUMBER

2631

20

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

Application Number: 09/473,740
Filing Date: December 28, 1999
Appellant(s): SONG, HONGJIANG

SONG, HONGJAING
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/22/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Claims 1-7 can be grouped together; claims 8-14 can be grouped together; and claims 15-20 can be grouped together. With this grouping, all claims of a particular group stand or fall together. Furthermore, appellant's brief includes a statement that any claim of a particular group set forth in this section do not stand or fall together with any claim of any other group set forth in this section and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Appellant's Admitted Prior Art (herein called AAPA); page 1, line 4 to page 2, line 10 and figure 1 of the instant application.

5,956,377

Lang

9-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 15.

(11) Response to Argument

The appellant traverses to the rejections by mainly arguing that the combination of the Appellant's Admitted Prior Art (AAPA) and Lang fails to teach or suggest "detecting whether incoming bits indicate a synchronization field during a buffering where this buffering accommodates a difference in rates between incoming and outgoing data." Appellant further argues that the AAPA teaches away from the claimed invention by not detecting whether incoming bits indicate a synchronization field **during** the buffering of the bits. The AAPA only teaches detecting synchronization field **after** the buffering.

However, as pointed out in the Final Office Action, the examiner relies on the AAPA for the teaching of buffering bits to accommodate a difference in rates between incoming and outgoing data. See page 1, lines 12-15 of the instant application. It is noted that the AAPA does not teach detecting whether incoming bits indicate a synchronization field **during** the buffering of the bits. The AAPA only teaches detecting synchronization field **after** the buffering. See page 1, line 16 to page 2, line 3 of the instant application. However, as further discussed by the AAPA (page 2, lines 4-10 of the instant application), such teaching of synchronization field detection after buffering will introduce delay and thus, degrading system performance. Therefore, there is a need for avoiding this delay.

Lang (5,956,377), in the same field of endeavor, teaches avoiding the delay caused by synchronization field detection by detecting the synchronization

field while buffering the continuous stream of digital data. (Lang, figure 3; column 1, lines 50-63 and column 2, line 10 to column 3, line 10). Thus, the delay problem of the AAPA could be fixed if using the teaching of Lang.

Furthermore, appellant argues that Lang fails to teach accommodating a difference between a first rate of incoming data and a second rate of outgoing data. However, the examiner did not rely on Lang for such teaching. The admitted prior art has such teachings. See page 1, lines 12-15 of the instant application. Moreover, the examiner relies on Lang for the teaching of "detecting whether some of the incoming bits indicate a synchronization field during the buffering of the incoming bits." Such Lang's teaching will greatly enhance the processing time of the AAPA since both buffering and detection of synchronization field are performed simultaneously.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2631

Respectfully submitted,

DON N VO
Primary Examiner
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June 14, 2004


Conferees

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